

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
CITY COUNCIL CHAMBERS
January 13, 2009**

1. Present

Commissioners:

Sherwood Bishop, Chair
Ryan Thomason, Vice-Chair
Bill De Soto
Bill Taylor
Curtis Seebeck
Allen Shy
Cecil Pounds
Jim Stark
Randy Bryan

City Staff:

Chuck Swallow, Director of Development Services
Chance Sparks, Development Planning Manager
John Foreman, Planner
Phil Steed, Planner
Francis Serna, Recording Secretary

Others Present: Graham Moore and David Kneuper.

2. Call to Order and Announce a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday, January 13, 2009 in the Council Chambers of the City of San Marcos City Hall, 630 E. Hopkins, San Marcos, Texas 78666.

3. Election of Officers:

A. Chair

Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted nine (9) for and none (0) opposed, to nominate Sherwood Bishop as Planning and Zoning Commission Chairman. The motion carried unanimously.

B. Vice Chair

Upon a motion made by Commissioner Seebeck and a second by Commissioner Pounds, the Commission voted nine (9) for and none (0) opposed, to nominate Ryan Thomason as Planning and Zoning Commission Vice Chairman. The motion carried unanimously.

4. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience and the television viewers.

5. Executive Session

There were no discussions.

6. Citizen Comment Period

No one signed up to speak.

7. CUP-08-41. Hold a public hearing and consider a request by Brendan Hollier, on behalf of Chuy's, for a new Conditional Use Permit to allow the on-premise consumption of liquor, beer, and wine at an establishment located at 2810 S. IH. 35.

John Foreman stated that the request is for Chuy's Restaurant located in the Stone Creek Crossing Subdivision. He pointed out that the hours of operation were not identified by the applicant. Mr. Foreman stated that there will be no entertainment or live music. In addition, the applicant did not indicate the number of off street parking spaces. Mr. Foreman pointed out that shared parking is allowed in the Stone Creek Crossing Subdivision, and that an Operation and Easement Agreement (O.E.A.) has not been submitted. No major concerns have been reported by other departments. Staff recommended approval of the request that the Conditional Use Permit be valid for one (1) year, provided standards are met, subject to the point system, and; that the applicant provide a copy of the O.E.A. containing the shared parking agreement.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason the Commission voted nine (9) for and none (0) opposed, to approve the Conditional Use Permit with the condition that the CUP be valid for one year, provided standards are met, subject to the point system, and; that the applicant provide a copy of the O.E.A. containing the shared parking agreement. The motion carried unanimously.

8. PC-08-07(03). Consider a request by David Kneuper, P.E., with Baker-Aicklen & Associates, Inc., on behalf of The Village of San Marcos (A 501(c) (3) non-profit organization) for approval of the final plat of Lot 1, The Village of San Marcos, Phase I, located at 2901 Hunter Road.

Phil Steed advised the Commission that the Village of San Marcos project was approved by the Commission at the April 22, 2008 Planning Commission meeting. The proposed final plat will establish Lot 1, of the Village of San Marcos, Phase I. The property contains approximately 14.7 acres and is the proposed site of a Sports Fields and parking for the Village of San Marcos project. Mr. Steed continued to explain that the final plat is subject to all requirements of the Land Development Code and has been reviewed for consistency with existing City Ordinances and Policies. He added that the Engineering Department has approved the Traffic Impact Analysis, deemed the Watershed Protection Plan Phase 2 as substantially complete; and deemed the Public Improvements Construction Plans as substantially complete. Staff recommended approval of the final plat as submitted.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted nine (9) for and zero (0) opposed, to approve the final plat as submitted. The motion carried unanimously.

9. Hold a public hearing to receive comments and discuss, in the Commission's role as Capital Improvements Advisory Committee, the Land Use Assumptions and Engineering Report pertaining to the imposition of Water and Wastewater Impact Fees.

Chuck Swallow, Director of Development Services advised the Commission that the Commission's Role is to review the methodology of the impact fees and how the fees are tied into the Capital Improvements Plan. Mr. Swallow informed the Commission that Graham Moore of Lockwood, Andrews & Newman, Inc. (LAN) will make a presentation and that no action would be taken at this time. The Commission may review the reports and return comments to staff. He added that the item will be placed on the January 27, 2009 Planning Commission agenda for further discussion.

Graham Moore provided the Commission with handouts of the Land Use Assumption for the Implementation of Impact Fees Report prepared by Mitchell Planning Group, LLC and the Engineering Report for Implementation of Water and Wastewater Impact Fees prepared by LAN, Inc. Mr. Moore gave a brief power point presentation.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

Commissioner Thomason commented that the impact fees need to be reduced to meet the median income of San Marcos. He requested that that information regarding impact fees for Seguin and Kyle be provided for comparison. The Commission, staff and Mr. Moore briefly discussed the reports.

Graham Moore advised the Commission that he would research and provide the Commission with impact fees of Seguin and Kyle.

10. Planning Director's Report

Chance Sparks announced that the January 20, 2009 City Council Meeting has been rescheduled to Thursday, January 22, 2009. He added that Land Development Code amendments will be presented quarterly before the Commission. Mr. Sparks advised the Commission that in February, staff will provide them with a 2008 Case Report.

Commissioners' Report

Commissioner Seebeck mentioned that he was disappointed as a newly appointed Planning and Zoning Commission member that city staff, City Council or whomever chose the same day as a regularly scheduled Planning and Zoning Commission meeting to hold the New Board and Commission Reception in which the Planning Commission could not attend. He added that it was disrespectful to the Planning and Zoning Commission.

Chair Bishop suggested that the Commission host an informal gathering for the three outgoing members. Chair Bishop added that he would contact the former members.

11. Consider approval of the minutes from the Regular Meeting of December 9, 2008.


MOTION: Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck, the Commission voted nine (9) for, none (0) opposed, to approve the Regular Meeting Minutes of December 9, 2008 with corrections. The motion carried.


12. Questions and answers from the Press and Public.

There were no questions from the press and public.

13. Adjournment

MOTION: Upon a motion made by Commissioner Thomason and second by Commissioner Taylor, the Commission voted nine (9) for and none (0) opposed, to adjourn the regular meeting of the Planning and Zoning Commission at 6:59 p.m. on Tuesday, January 13, 2009. The motion carried unanimously.


Sherwood Bishop, Chair


Bill DeSoto, Commissioner


Ryan Thomason, Vice Chair


Randy Bryan, Commissioner


Cecil Pounds, Commissioner


Allen Shy, Commissioner


Curtis Seebeck, Commissioner


Bill Taylor, Commissioner


Jim Stark, Commissioner

ATTEST:


Francis Serna, Recording Secretary